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ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.622(b) of	)	MM Docket No.
the Commission's Rules, DTV	)	RM No.
Table of Allotments	)	
(Sacramento, California)	)	

To: The Chief, Allocations Branch

PETITION FOR RULEMAKING

La Dov Educational Outreach, Inc. ("La Dov"), by its attorneys and pursuant to Section 73.623 of the Commission's rules, 47 C.F.R. §73.623, hereby requests that the Commission initiate a rulemaking proceeding for the purpose of amending the Table of Allotments for the digital television ("DTV") service to add a reserved DTV channel allotment on channel *43 at Sacramento, California.

On March 12, 1990, La Dov applied for a construction permit for a new noncommercial educational analog (NTSC) television facility on channel *52 at Sacramento, California. *See* FCC File No. BPET-19900312KG. However, because La Dov's requested facility falls within a "TV freeze area," the acceptance of the application is frozen in order to preserve spectrum for DTV use. On November 22, 1999, however, the Commission issued a public notice announcing the opening of a filing window for, among other things, petitions for rulemaking seeking a new channel below channel 60 for applicants, such as La Dov, with pending applications for new full-service NTSC television stations on channels 2-59 at locations inside TV freeze

areas. *See Public Notice, Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations*, DA 99-2605 (released November 22, 1999) ("*Filing Window Public Notice*").[1] In the *Filing Window Public Notice*, the Commission noted that a petition for rulemaking filed by a freeze area applicant, such as La Dov, "may request a DTV channel as the replacement for [an] NTSC channel allotment, as the Commission indicated in paragraph 42 of [*Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders*, 14 FCC Rcd 1348 (1998)]." *See Filing Window Public Notice* at 5.

The *Filing Window Public Notice* further stated that petitions filed by freeze area applicants on channels below 60 "must also demonstrate that interference to a DTV station (which could be a DTV allotment, a proposed change in a DTV allotment, or an application to change a DTV station's facilities) would be caused if the requested channel change is not made." *See Filing Window Public Notice* at 4. The proposed substitution of DTV channel *43 for NTSC channel *52 will permit La Dov to remedy impermissible interference problems between its proposed channel *52 NTSC facility and digital television station KICU-DT, San Jose, California, which has been allotted DTV channel 52. As the attached engineering statement of Smith and Fisher (the

[1] Pursuant to a subsequent public notice, the Commission extended the filing window closing date, originally scheduled for March 17, 2000, to July 15, 2000. *See Public Notice, Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations Extended to July 15, 2000,* DA 00-536 (released March 9, 2000).

"Engineering Statement") demonstrates, the proposed allotment of DTV channel *43 at Sacramento, California, complies fully with the Commission's technical requirements, including criteria for interference protection to both NTSC and DTV services. The Engineering Statement also demonstrates that the proposed DTV allotment will not cause interference to any eligible Class A low power television station.

Accordingly, La Dov respectfully requests that the Commission expeditiously commence a rulemaking proceeding to amend the DTV Table of Allotments to allot and assign DTV channel *43 to Sacramento, California, and to amend the NTSC Table of Allotments to delete channel *52 at Sacramento. If DTV channel *43 is allotted to Sacramento, La Dov intends to expeditiously amend its pending application for a new noncommercial educational television facility at Sacramento to specify the new channel.

Respectfully submitted,

LA DOV EDUCATIONAL OUTREACH, INC.

By: _____
John M. Burgett
E. Joseph Knoll III

WILEY, REIN & FIELDING
1776 K Street, NW
Washington, DC 20006
(202) 719-7000

Its Attorneys

July 14, 2000

EXHIBIT A

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of LA DOV EDUCATIONAL OUTREACH, INC., applicant for a new noncommercial television station on NTSC Channel 52 in Sacramento, California (BPET-900312KG) in support of its Petition for Rulemaking to substitute noncommercial DTV Channel 43 for noncommercial NTSC Channel 52 in Sacramento, California.

According to the Commission's Public Notice DA 99-2605, "Mass Media Bureau Announces Window Filing Opportunity for Certain Pending Applications and Allotment Petitions for New Analog TV Stations," released November 22, 1999, applicants for NTSC allotments located in "freeze areas" that cause incurable interference to digital television (DTV) allotments, applications or authorizations have been afforded an opportunity to find an alternate NTSC or DTV channel. Our detailed channel search reveals that no NTSC replacement channel is available in the Sacramento area that meets the analog spacing requirements of §73.610, as well as the DTV interference criteria of §73.623(c). However, we have determined that DTV Channel 43 can be used in Sacramento from a specific site and with specific operating parameters.

The proposed site, with coordinates 38° 37' 49", 120° 51' 20", is plotted in Exhibit B. A 152-meter communications tower exists there. For the purposes of our interference studies, we assumed that an Andrew ALP16M2-HSMR directional antenna would be side-mounted on this tower, as shown in Exhibit C. The proposed effective antenna height is 749 meters AMSL, and the main-lobe maximum ERP is 100 kw. Proposed

EXHIBIT A

operating parameters are listed in Exhibit D, and Exhibit E provides the antenna radiation pattern data for the proposed antenna, which is to be oriented at 230° true. Exhibit F is a tabulation of terrain and contour data for the proposed facility.

The predicted 41 dbμ contour is plotted in Exhibit G. As shown, the entire community of Sacramento is contained within the proposed 41 dbμ contour, as required by §73.623(c)(1) of the Rules. Exhibit H is an interference study, which concludes that the proposed facility meets the requirements of §73.623(c)(2) of the Rules with respect to both NTSC and DTV facilities and is therefore in accordance with the terms of the aforementioned public notice.

It is thus requested that the FCC delete analog noncommercial Channel 52 in Sacramento, California, by changing §73.606(b) of its Table of [NTSC] Allotments, as follows:

Community	Present Allotments	Proposed Allotments
Sacramento, California	3, *6, 10, 29-, 31-, 40-, *52	3, *6, 10, 29-, 31-, 40-

Further, we request that the Commission add noncommercial Channel 43 in Sacramento, California, to its §73.622(b) Digital Television Table of Allotments, as follows:

Community	Present Allotments	Proposed Allotments
Sacramento, California	21, 35, 48, *53, 55, 61	21, 35, *43, 48, *53, 55, 61

EXHIBIT A

I declare under penalty of perjury that the foregoing statements and the attached exhibits, which were prepared by me or under my immediate supervision, are true and correct to the best of my knowledge and belief.

KEVIN T. FISHER

July 13, 2000

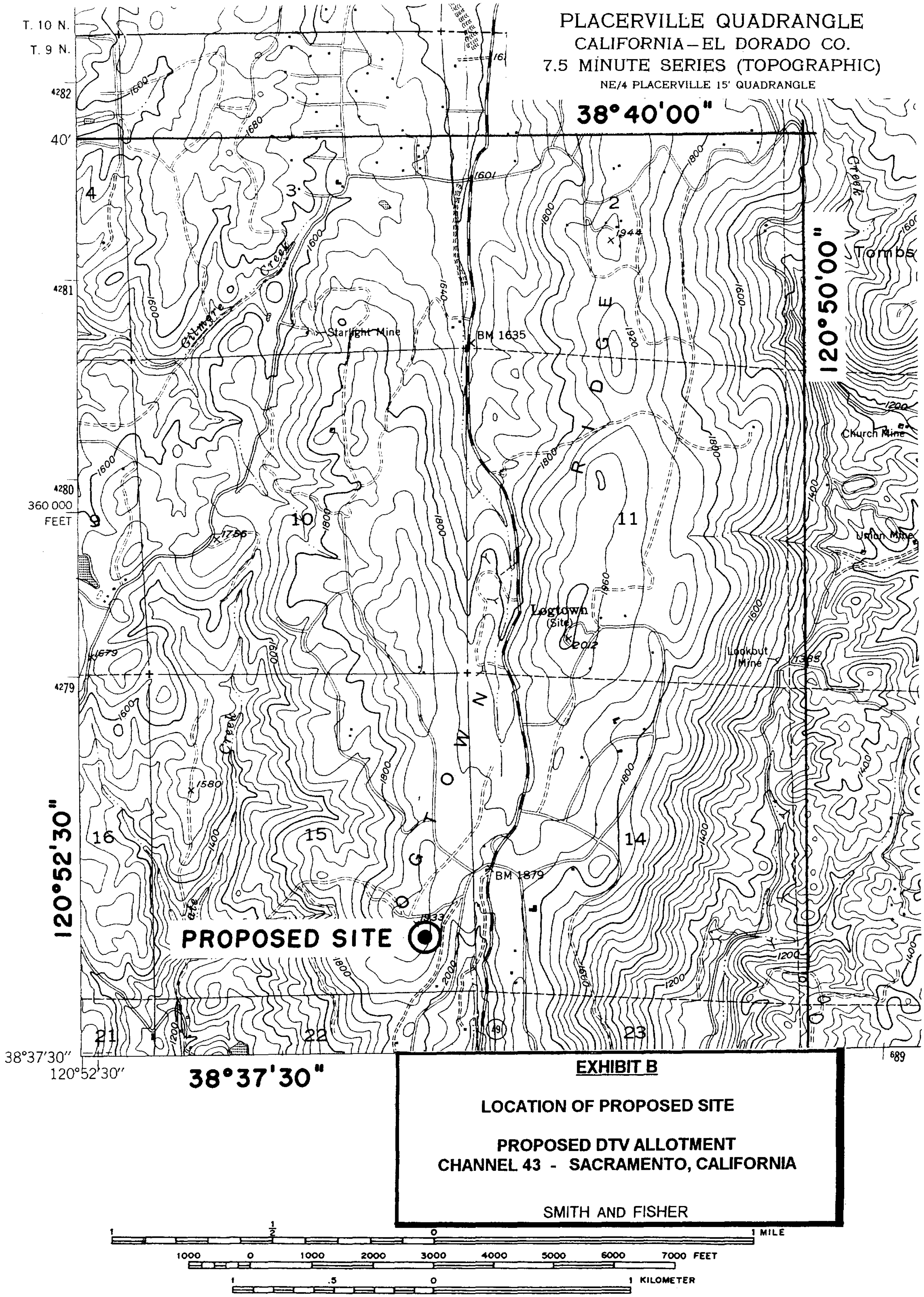


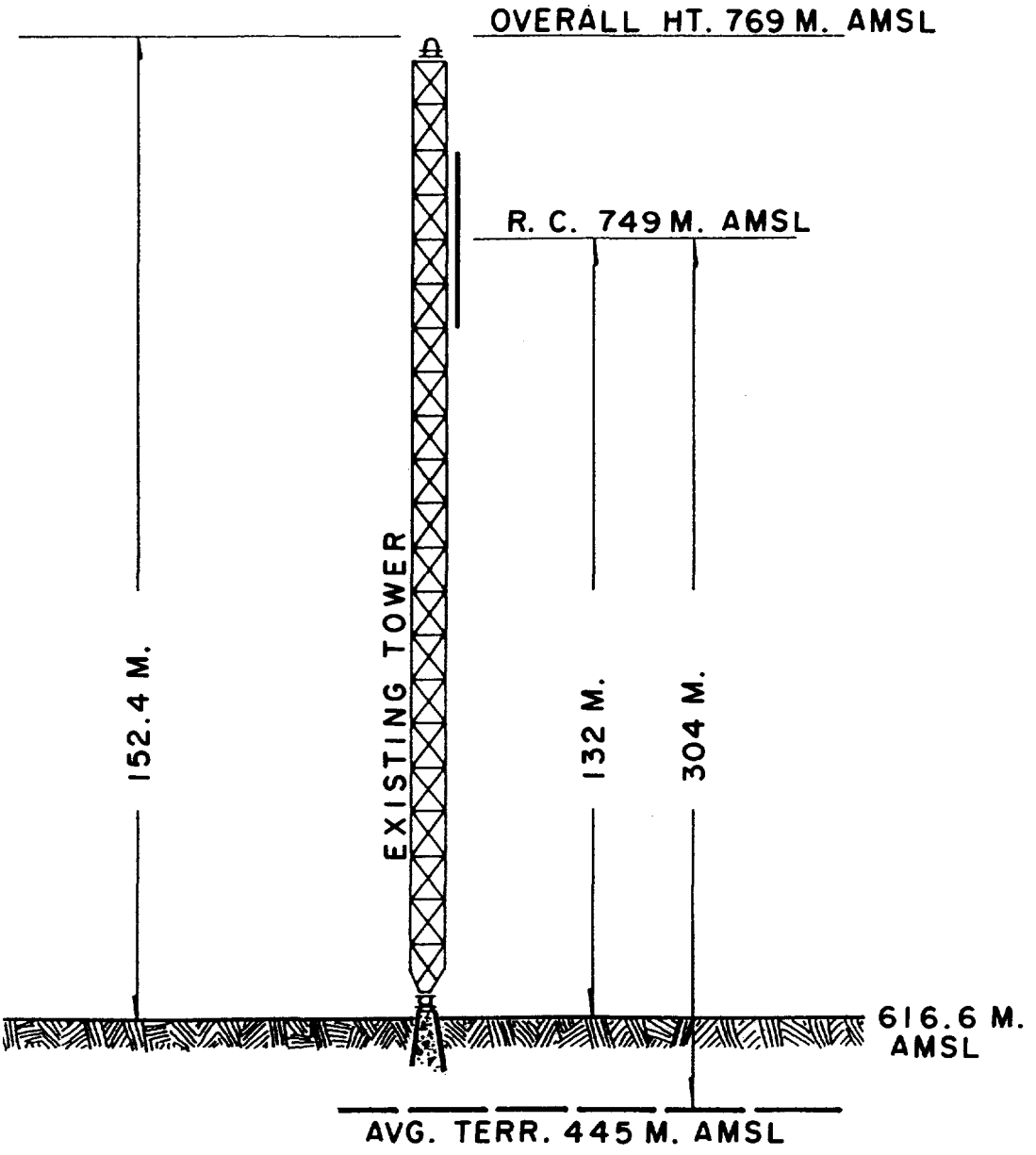
EXHIBIT B

LOCATION OF PROPOSED SITE

PROPOSED DTV ALLOTMENT
CHANNEL 43 - SACRAMENTO, CALIFORNIA

SMITH AND FISHER

NOT TO SCALE



SITE COORDINATES:

38° 37' 49"

120° 51' 20"

EXHIBIT C

ELEVATION OF ANTENNA STRUCTURE

PROPOSED DTV ALLOTMENT
CHANNEL 43 - SACRAMENTO, CALIFORNIA

SMITH AND FISHER

EXHIBIT D

PROPOSED OPERATING PARAMETERS

PROPOSED DTV ALLOTMENT
CHANNEL 43 - SACRAMENTO, CALIFORNIA

Channel Number:	43
Zone:	2
Site Coordinates:	38-37-49N 120-51-20W
Antenna Structure Registration Number:	1011405
Tower Site Elevation (AMSL):	616.6 meters
Overall Tower Height Above Ground:	152.4 meters
Overall Tower Height Above (AMSL):	769 meters
Effective Antenna Height Above Ground:	132 meters
Effective Antenna Height (AMSL):	749 meters
Average Terrain Elevation (2-10 miles):	445 meters
Effective Antenna Height Above Average Terrain:	304 meters
Antenna Make and Model:	Andrew ALP16M2-HSMR
Orientation:	230° T
Electrical Beam Tilt:	0.5°
Polarization:	Horizontal
Effective Radiated Power (main-lobe, maximum):	100 kw

EXHIBIT E-1

ANTENNA RADIATION VALUES

PROPOSED DTV ALLOTMENT
CHANNEL 43 - SACRAMENTO, CALIFORNIA

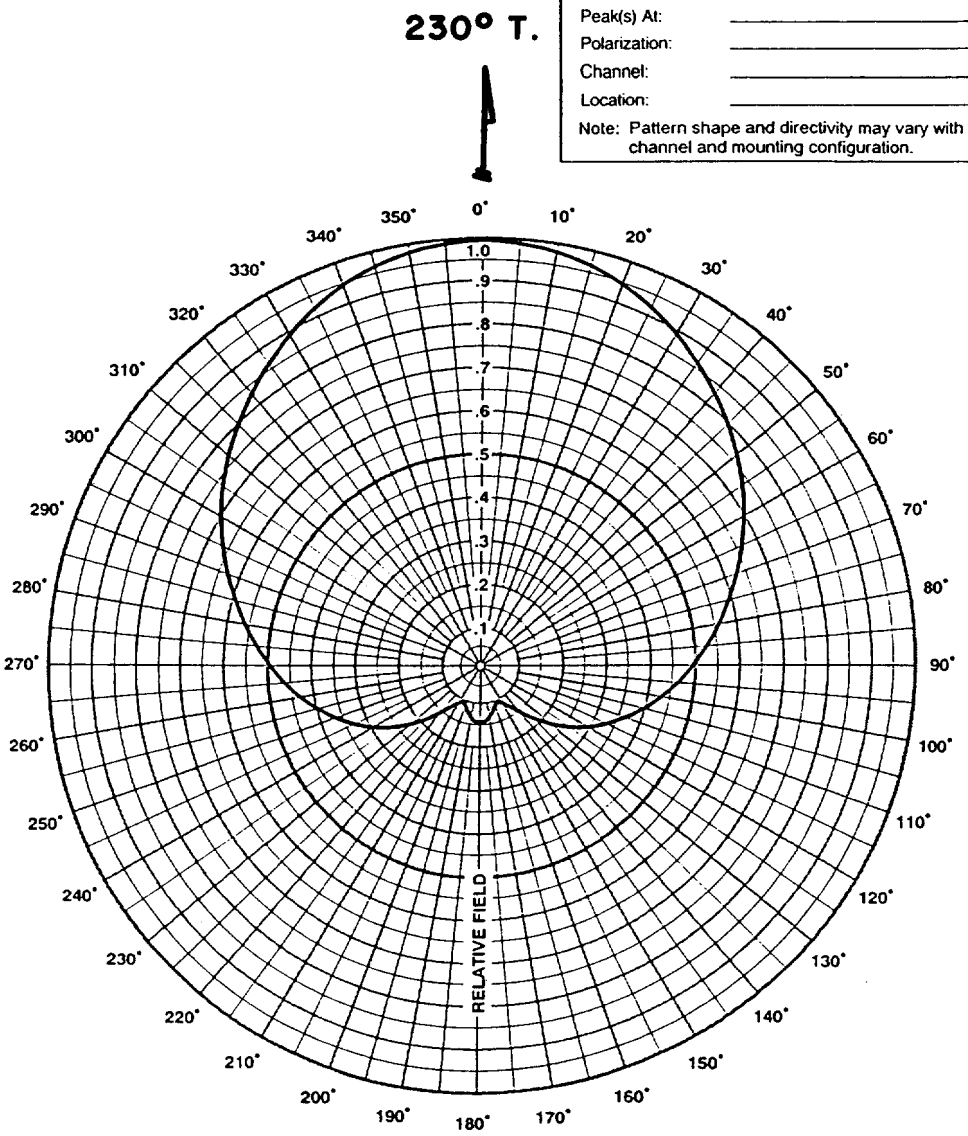
Azimuth (° T)	Relative Field	ERP (dbk)	Azimuth (° T)	Relative Field	ERP (dbk)
0	0.21	6.4	180	0.77	17.7
10	0.14	2.9	190	0.83	18.4
20	0.10	0.0	200	0.90	19.1
30	0.10	0.0	210	0.95	19.6
40	0.12	1.6	220	0.98	19.8
50	0.13	2.3	230	1.00	20.0
60	0.12	1.6	240	0.98	19.8
70	0.10	0.0	250	0.95	19.6
80	0.10	0.0	260	0.90	19.1
90	0.14	2.9	270	0.83	18.4
100	0.21	6.4	280	0.77	17.7
110	0.29	9.2	290	0.70	16.9
120	0.36	11.1	300	0.63	16.0
130	0.42	12.5	310	0.56	15.0
140	0.49	13.8	320	0.49	13.8
150	0.56	15.0	330	0.42	12.5
160	0.63	16.0	340	0.36	11.1
170	0.70	16.9	350	0.29	9.2

ANDREW

AZIMUTH PATTERN

Type:	ALP-MR	
	Numeric	dB
Directivity:	2.82	4.50
Peak(s) At:		
Polarization:		
Channel:		
Location:		

Note: Pattern shape and directivity may vary with channel and mounting configuration.



NOTE: ANTENNA WILL BE MOUNTED SUCH THAT 0° ON GRAPH WILL BE ORIENTED AT 230° T.

EXHIBIT E-2

ANTENNA AZIMUTH PATTERN (RELATIVE FIELD)

PROPOSED DTV ALLOTMENT CHANNEL 43 - SACRAMENTO, CALIFORNIA

SMITH AND FISHER

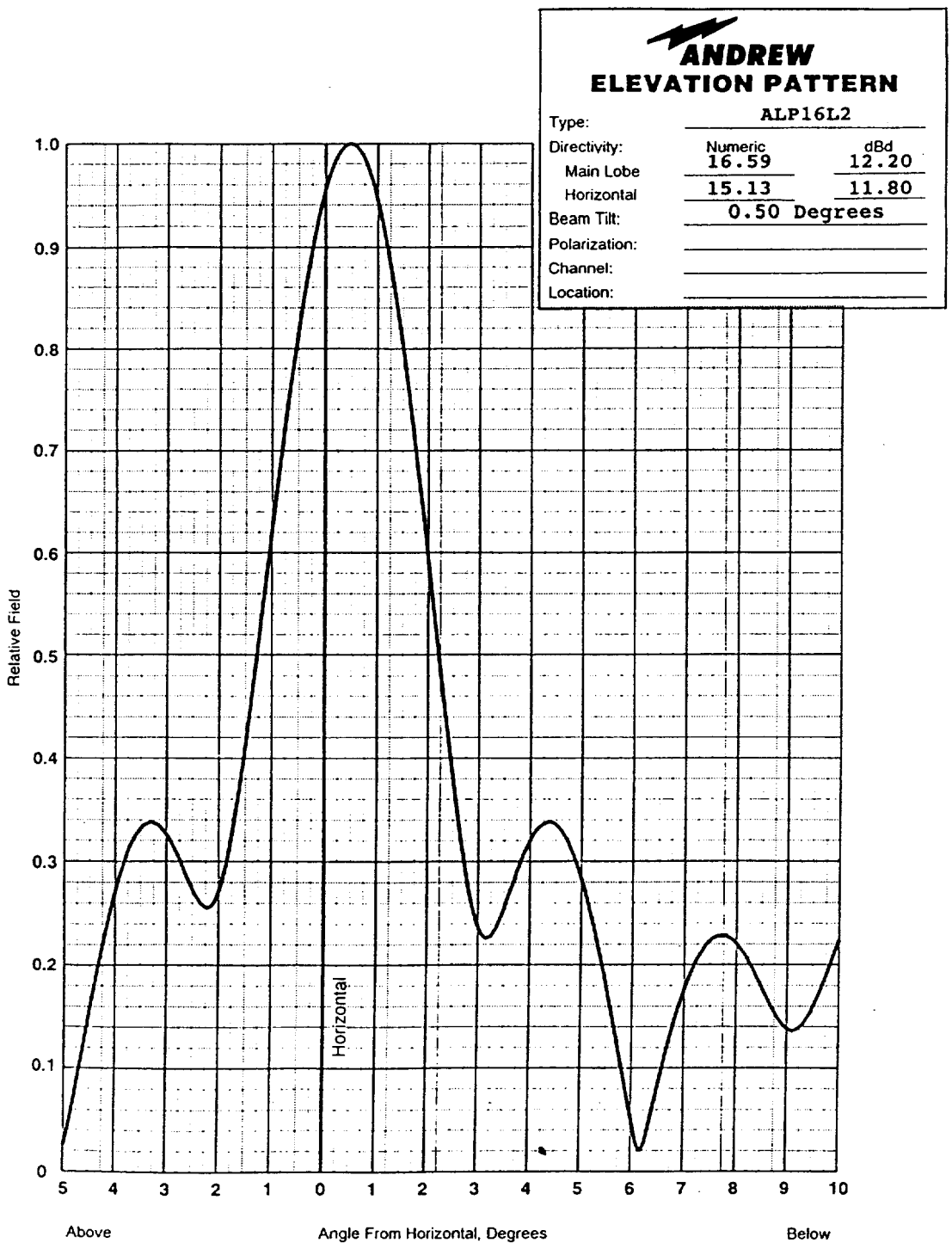


EXHIBIT E-3

ANTENNA ELEVATION PATTERN

PROPOSED DTV ALLOTMENT
CHANNEL 43 - SACRAMENTO, CALIFORNIA

SMITH AND FISHER

EXHIBIT F

ELEVATION AND CONTOUR DATA

PROPOSED DTV ALLOTMENT
CHANNEL 43 - SACRAMENTO, CALIFORNIA

Az. (° T)	Avg. Elv. AMSL 2 to 10 Miles meters*	Effective Ant. Ht. AAT meters	ERP (dbk)	Distance to Predicted Digital Contour (41 dbμ) km.
0	490	259	6.5	59.1
45	567	182	2.1	49.2
90	546	203	3.0	51.4
135	523	226	13.2	64.6
180	427	322	17.7	77.1
225	247	502	19.9	93.2
270	323	426	18.4	86.1
315	440	309	14.4	71.4

Height of radiation center above mean sea level	749 meters
Height of average terrain above mean sea level	445 meters
Height of radiation center above average terrain	304 meters
Effective radiated power, main lobe, maximum	20 dbk, 100 kw

Geographic Coordinates

N 38° 37' 49" W 120° 51' 20"

**Source of terrain data: Defense Mapping Agency 3-second terrain database.*

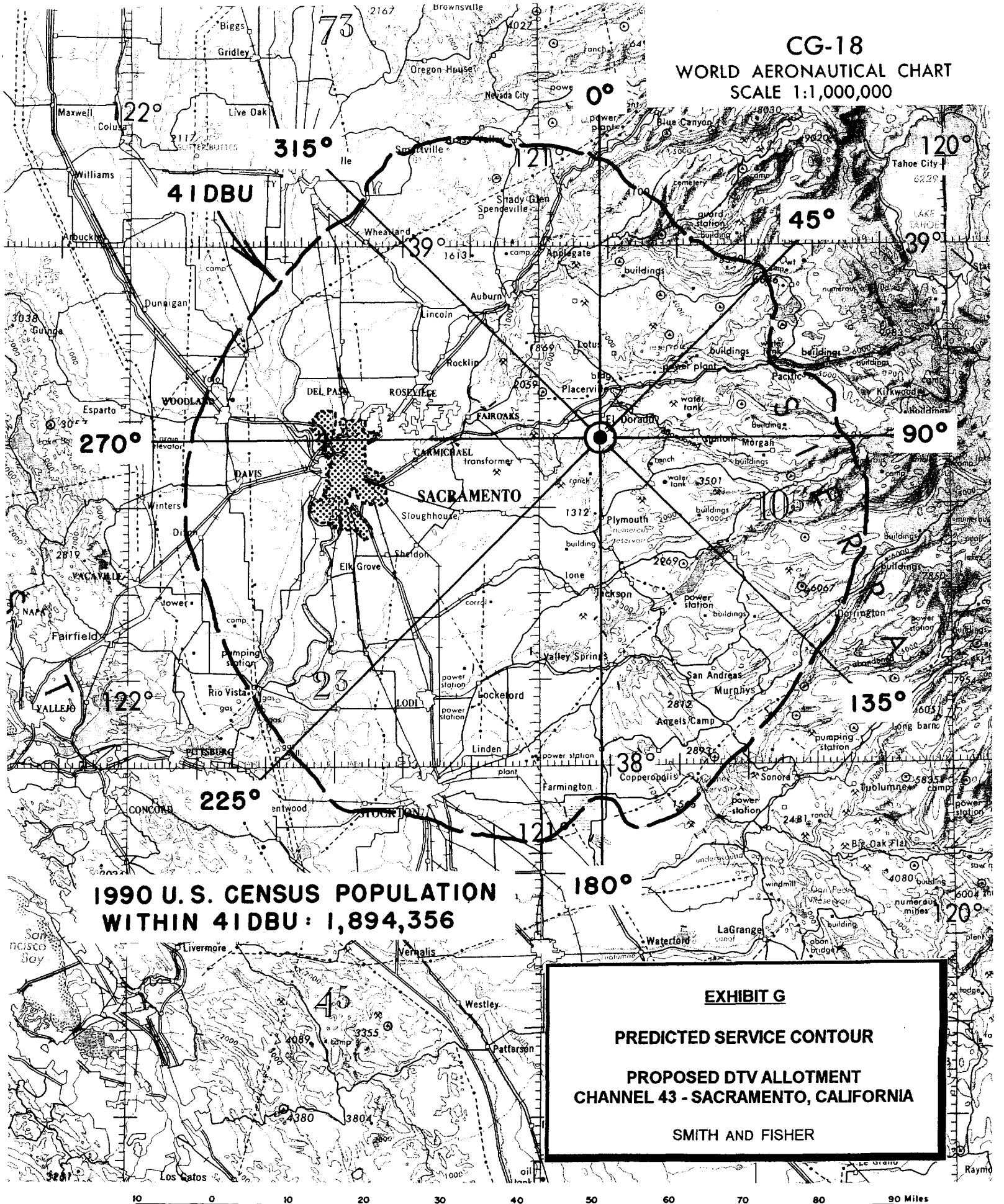

CG-18
WORLD AERONAUTICAL CHART
SCALE 1:1,000,000
41DBU
0°
45°
90°
135°
180°
225°
270°
315°
SACRAMENTO
1990 U.S. CENSUS POPULATION
WITHIN 41DBU: 1,894,356
EXHIBIT G
PREDICTED SERVICE CONTOUR
PROPOSED DTV ALLOTMENT
CHANNEL 43 - SACRAMENTO, CALIFORNIA
SMITH AND FISHER
90 Miles
140 Kilometers

EXHIBIT H-1

ALLOCATION AND INTERFERENCE STUDY

PROPOSED DTV ALLOTMENT
CHANNEL 43 - SACRAMENTO, CALIFORNIA

An interference study was conducted using the operating parameters of the facility described herein to determine if it meets the FCC's *de minimis* interference requirements of Section 73.623(c)(2) of the Commission's Rules. Specifically, the proposed facility may not cause more than two percent interference to the service population of a DTV or NTSC facility, nor can its interference contribution result in an excess of 10 percent total DTV interference to the service population of any DTV or NTSC facility.

The service area of a DTV station is defined as that which is calculated using the Longley-Rice propagation model to receive a signal of 41 dbμ or greater and lies within the predicted 41 dbμ contour of the station using the F(50,90) curves, the station's effective radiated power, and 2-10 mile terrain averages along each radial.

In evaluating the interference effect of this proposal, we have relied upon the V-Soft Communications "Probe" computer program, which has been found generally to mimic the FCC's program. Changes in interference caused by the proposed allotment facility to other pertinent stations are tabulated in Exhibit H-2.

As indicated, the proposed allotment would not contribute more than two percent DTV interference to the service population of any potentially affected NTSC or DTV station. In addition, this proposal does not result in any NTSC or DTV station receiving more than ten percent total DTV interference to viewers living within the station's authorized or proposed service area.

EXHIBIT H-1

Therefore, this proposal meets the FCC's *de minimis* interference standards as defined in Section 73.623(c)(3) of the Commission's Rules.

It is also important to note that, using the same Longley-Rice methodology described above, we have determined that the proposed DTV allotment facility does not cause interference to any licensed Class A eligible LPTV station.

EXHIBIT H-2

DE MINIMIS INTERFERENCE ANALYSIS

PROPOSED DTV ALLOTMENT
CHANNEL 43 - SACRAMENTO, CALIFORNIA

NTSC FACILITIES

Call Sign	City, State	Ch.	Grade B Population F(50,50)	INTERFERENCE LOSSES (POPULATION) NTSC Only	NTSC & DTV Without Proposal	Unmasked DTV	%[1]	NTSC & DTV With Proposal	Unmasked DTV	%[1]	Proposal Contribution	%[2]
-- NONE --												

DTV FACILITIES

Call Sign	City, State	Ch.	NTSC/DTV[3] Grade B Pop. Longley-Rice	INTERFERENCE LOSSES (POPULATION) NTSC Only	NTSC & DTV Without Proposal	Unmasked DTV	%[1]	NTSC & DTV With Proposal	Unmasked DTV	%[1]	Proposal Contribution	%[2]
KSBW-DT	Salinas, CA	43	4,751,565	343,936	344,104	168	< 0.1	348,984	5,048	0.1	4,880	0.1
KHSL-DT (Allot.)	Chico, CA	43	574,851	0	0	0	0	9,181	9,181	1.6	9,181	1.6
KHSL-DT (CP)	Chico, CA	43	424,171	0	0	0	0	5,153	5,153	1.2	5,153	1.2

1 Cannot exceed 10% of Grade B Population.
2 Cannot exceed 2% of Grade Population.
3 Cannot exceed 2% of Grade Population.